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DATE: 24 April 2024

TO: Carol O'Donnell, Chair
Bonnet Shores Fire District Council

RE: Status of voting eligibility

You have requested my opinion on the current status of voting eligibility in the Bonnet Shores Fire District as a result of the recent Superior Court hearing before Justice Taft-Carter.

The question is whether, at least until amendments are approved by the General Assembly and ratified at an Annual or Special Meeting, property owners who are not legal residents within BSFD are eligible to vote. My conclusion is the same as it was immediately after entry of the Consent Judgment, and Judge Taft-Carter's comments at the hearing have reinforced it.

Currently eligible to vote are anyone who has been eligible to vote under the existing charter (including non-resident property owners), with the addition of persons who have resided within BSFD, and have been registered there, for the thirty days before the Annual or Special Meeting. This later group of non-property-owner residents were added in the Consent Judgment approved by Judge Taft-Carter. At the hearing on April

12, Justice Taft-Carter made clear that as of now non-resident property owners are qualified to vote. The Judge specifically said:

The Bonnet Shores Fire District Council represents all qualified voters,
including the nonresident property owners.

Hearing transcript at 7. So it is clear that, unless and until the Charter is amended by the General Assembly, and the amendments ratified at an Annual or Special Meeting, anyone eligible to vote under the existing Charter remains qualified, along with those residents added by the Consent Judgment.

With regard to eligibility to run for office, Article II of the By-Laws uses the same term that Judge Taft-Carter used -- “qualified voters” – in referring to eligibility to serve on the District Council or Nominating Committee. Art. II, sec. 1 & 2. I therefore conclude that the Nominating Committee must interview any potential candidate who is a qualified voter as that term is defined in the Consent Judgment and Judge Taft-Carter’s explanation above.

I hope this memorandum provides the guidance you were looking for.